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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Diane M. Northrup

DOCKET NO.: 121932.00002

SERIAL NO.: 10/729,502

EXAMINER: Janet M. Wilkens

FILED: 12/05/2003

ART UNIT: 3637

TITLE: Screen and Shelf Unit

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Diane Northrup
223 West Brinkley Springs Drive
Tucson, AZ 85755

CERTIFICATE OF MAILING

I hereby certify that on this 18th day of June, 2007, this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Diane M. Northrup

Cc: Gavin J. Milczarek-Desai
Quarles & Brady Streich Lang LLP
One South Church Avenue, Suite 1700
Tucson, AZ 85701



TO THE COMMISSIONER FOR PATENTS

Request for Reconsideration

Dear Sir:

This letter is in reply to your latest action dated April 18, 2007, by Examiner Wilkens regarding the Application Ser. No. 10/729,502 filed on December 05, 2003.

It seems to me that the new search you requested has nothing to do with my invention and the following will outline why.

Romer's patent to me does not appear to be for walls but rather a gutter system. The mentioning of walls is incidental and intended only to show where the gutter system would be placed. Romer's mention of sump pump is only to show where the material flow in his gutter system originates and could just as well be a holding tank. While Romer does not mention or "teach" the material make up of the wall he is diagramming, it would be common knowledge that it would not be made of drywall but rather concrete as drywall would quickly deteriorate in this application.

Mamula's invention is for a sump pump cover that fits directly over the sump pump opening and is intended to be air tight and contain material and gases from the sump pump. My invention only mentions a sump pump as one of the mechanics of a building that could be "hidden" from obvious view and in no way alters a sump pump or its cover.

Wang's invention appears to be a corner shelf that could be applied to any *finished* corner wall using link plates and suction cups. This is unrelated to my invention as my invention has purpose other than a way to put up a shelf and does not use suction cups. This shelf on its own would not serve to hide or disguise anything. My invention is a complete system.

Hewett's invention is for a slip joint to better accommodate movement or expansion between members of the structure. No slip joints are presented or implied in my invention.

The Hammer invention is simply a free standing screen much like that of a fireplace screen just sat in a different spot. Its purpose is to replace an under sink cabinet. I would dare say that no one would use this same screen around a mechanic set in the floor as it would appear much the same as a safety cone at a pothole in the road way, not something normally expected in a home or building.

The Hollen invention is a subterranean equipment bay to house telecommunications equipment (outdoors, in the ground, across the country). This invention isn't intended to

be in a home or building but if it were my invention could hide or disguise it from obvious view. My invention makes no subterranean claims.

The summation of my invention is to allow for a disguise of necessary mechanics in a building while achieving a method of dismantling it to access whatever it might be disguising for maintenance or service. The mention of sump pump is only intended as an example of a mechanic that may be hidden or disguised. The invention implies a complete system used together rather than a single shelf or wall. The assertion is made that this system is not common knowledge and anyone with ordinary skill would not devise this system as nothing like it is available for purchase. This has been proven in all the patent searches that have been conducted as well as my own attempts to purchase such a system before inventing one.

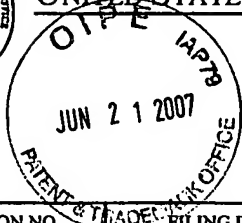
I would ask that you reconsider your decision to disallow this patent.

Sincerely,
Diane Northrup

Cc: Gavin J. Milczarek-Desai
Quarles & Brady Streich Lang LLP
One South Church Avenue, Suite 1700
Tucson, AZ 85701



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APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,502	12/05/2003	Diane M. Northrup	121932.00002	1955

34282 7590 04/16/2007
QUARLES & BRADY LLP
ONE SOUTH CHURCH AVENUE, SUITE 1700
TUCSON, AZ 85701-1621

EXAMINER

WILKENS, JANET MARIE

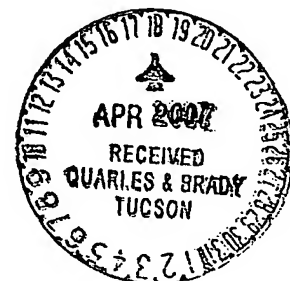
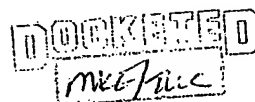
ART UNIT	PAPER NUMBER
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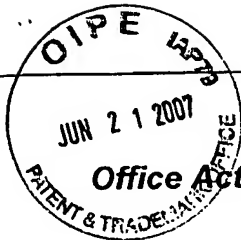
3637

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.





Office Action Summary

Application No.

10/729,502

Applicant(s)

NORTHROP, DIANE M.

Examiner

Janet M. Wilkens

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____



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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Romer (4,660,333) in view of Wang (6,059,128). Romer teaches a sump pump (110) surrounded on two sides by two planar screening members/existing walls (102; Note: there is nothing preventing plural existing walls as being considered the screening members). For claim 13, Romer fails to teach a shelf horizontally supported through frictional engagement with the screening members/existing walls. Wang teaches a shelf (20,10) horizontally supported through frictional engagement (via 30, 30a-30c) with mating existing walls. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the walls of Romer by adding a shelf at the corner junction of the walls, such as is taught by Wang, to provide a storage location for articles and to improve the aesthetics of the corner, e.g. further enclosing pump from a top view, directing attention to the shelf as oppose to the pump, etc.

For claim 16, Romer doesn't specifically teach the material make-up of the walls. The examiner takes Official notice that existing walls made of drywall are well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to use drywall to form the existing walls of Romer, depending on personal building preferences, to form a space having a finished look, etc.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

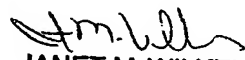
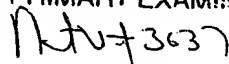
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wilkens
April 12, 2007


JANET M. WILKENS
PRIMARY EXAMINER


Notice of References Cited



Application/Control No.

10/729,502

Applicant(s)/Patent Under
Reexamination
NORTHROP, DIANE M.

Examiner

Janet M. Wilkens

Art Unit

3637

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-4,660,333	04-1987	Romer, Theodore	52/302.3
*	B	US-4,890,425	01-1990	Mamula, Ned	52/19
*	C	US-6,059,128	05-2000	Wang, Fu-To	211/90.01
*	D	US-3,746,603	07-1973	Hewett	428/77
*	E	US-1,760,494	05-1930	HAMMER NEWTON T; et. al.	312/210
*	F	US-7,149,546	12-2006	Hollen, Timothy	455/561
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.